

Docket No. F-8110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Kazutoshi TODA, et al.

Serial No.

10/783,447

Filed

February 20, 2004

For

VEHICLE-USE BEARING APPARATUS

Group Art Unit

3682

Examiner

Lenard Footland

Confirmation No.

1295

Customer No.

000028107

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on November 15, 2006.

Herbert F. Ruschmann

(Name)

(Signature)

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR §1.137(b)

Sir:

Applicant respectfully petitions to revive above identified application.

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REMARKS

In the present application, the Examiner issued an Office Communication indicating that applicant's Amendment filed June 6, 2006, with a three month extension in response to an Office Action of December 6, 2005, was not fully responsive because it did not respond to a restriction of species requirement inserted that the end of an Office Action in which all claims were substantively examined. While applicant's believe that the proper action to be taken by the Examiner, especially in view of the unorthodox construction of the Office Action, would have been to issue a communication recognizing applicant's bona fide attempt to reply to the Office Action and set forth a month period for reply, this the Examiner has not done.

In order to expeditiously further prosecution of this application, applicant hereby petitions for revival of the application. The abandonment of this application was unintentional. The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The required reply is hereby provided in the form of a RESPONSE TO RESTRICTION REQUIREMENT.

A PTO Form 2038 credit card authorization form is provided herewith in the amount of \$1500.00 which includes is the fee for the instant Petition.

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If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

Herbert F. Ruschmann

Reg. No. 35,341

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enc:

Response to Restriction Requirement, PTO form 2038.